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Agenda items 100 (a) and 101

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Letter dated 12 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement of the Government of the Federal Republic of Yugoslavia on the status of children.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly under agenda items 100 (a) and 101.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

On the occasion of the International Day of the Child and Children's Week, which will be marked in the Federal Republic of Yugoslavia in October with a number of activities and manifestations by and for children, the Government of the Federal Republic of Yugoslavia is compelled to address the United Nations on behalf of over 3 million children in the Federal Republic of Yugoslavia and 200,000 refugee children who have found shelter in this country.

This is the third year since the adoption by the Security Council of resolutions 757 (1992), 787 (1992) and the second year since the adoption of resolution 820 (1993), the implementation of which has directly jeopardized the lives of the youngest population in the Federal Republic of Yugoslavia and threatened its further development. The Government of the Federal Republic of Yugoslavia has informed the competent bodies of the United Nations on a number of occasions of this situation.

The United Nations had the opportunity to acquaint itself with our first special report on the problems and difficulties encountered in the implementation of the Convention on the Rights of the Child 1/ in the Federal Republic of Yugoslavia at the beginning of October 1993, when the Government of the Federal Republic of Yugoslavia presented the most dramatic indicators on the increased infant mortality rate, decreased birth rate, reappearance of already forgotten diseases, children having to attend classes in unheated classrooms, etc. The fact that, for the first time since World War II, the infant mortality rate is higher than the birth rate in most of the country indicates quite clearly that the biological survival of the nation has been threatened.

The Government of the Federal Republic of Yugoslavia recently submitted to the Committee on the Rights of the Child, in line with the provisions of the Convention on the Rights of the Child, the initial report of the Government on the implementation of the Convention in the Federal Republic of Yugoslavia for the period 1990-1993, in which it described the situation in respect of the implementation of the rights of the child in the Federal Republic of Yugoslavia, problems in the realization of protection in various fields and efforts the Government is exerting to overcome such a situation. Each part of the report outlines the difficulties that the society, and especially children in the Federal Republic of Yugoslavia, have to face as a result of the implementation of the Security Council resolutions, which objectively resulted in the complete international isolation of the Federal Republic of Yugoslavia. It contains numerous indicators, elaborated in detail, of the regressive developments in almost all fields of relevance to children.

The Government of the Federal Republic of Yugoslavia, in view of the well-being of children in the Federal Republic of Yugoslavia, wishes to draw the attention of the competent international bodies and individuals to the ever-deteriorating position. The legitimacy of this right has been recognized by members of the Committee on the Rights of the Child who recently received the Yugoslav experts who gave an overview of the aggravated status of children in the Federal Republic of Yugoslavia caused by the sanctions.

As a State party to the Convention on the Rights of the Child and a country that had at the time of the adoption of the Convention one of the most developed systems of child care and social care of children, the Federal Republic of Yugoslavia has in the past three years exhausted all its internal reserves and is developing its child-care policy with extremely modest material means but with great enthusiasm on the part of those directly involved in its specific fields.

The Government of the Federal Republic of Yugoslavia sincerely hopes that the process initiated of partial lifting of sanctions against the Federal Republic of Yugoslavia will continue and that our future communications will not be burdened with concern, but rather with optimism regarding the future of the children in the Federal Republic of Yugoslavia.

Notes

1/ Resolution 44/25, annex.

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Agenda item 93

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Letter dated 14 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia addressed to the Secretary-General

I am writing to you concerning the statement made by the Permanent Representative of Ecuador in the Third Committee on 11 October 1994, on the agenda item entitled "Elimination of racism and racial discrimination". Regarding the part of this statement concerning the report of the Committee on the Elimination of Racial Discrimination (A/49/18), upon instructions of my Government, I have the honour to state the following.

The representative of Ecuador stated that the Committee on the Elimination of Racial Discrimination (CERD) dispatched a three-member mission to Yugoslavia. The report of the mission was examined, particularly the attitude of the Government of Yugoslavia, namely, its refusal to cooperate since it has not been allowed to participate in the meeting of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

As has been stated in the letter from H.E. Mr. Vladislav Jovanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to the Chairman of the Fifth Meeting of Chairpersons of Human Rights Treaty Bodies (A/49/426, annex), the decision adopted at the meeting held at Geneva on 17 January 1994 was in direct contravention of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the general norms of international law on treaties. Such a practice constitutes a dangerous precedent being created under the auspices of the United Nations, which may have far-reaching effects. In the aide-mémoire submitted on that occasion to the Secretary-General (CERD/SP/50), the Government of the Federal Republic of Yugoslavia expressed its readiness to respect all its commitments under the international instruments to which it is a

party. At the same time, it underlined that it was impossible to separate obligations from rights which should be equal for all Member States. It is highly inappropriate to require that the Government of the Federal Republic of Yugoslavia, a State Party to the Convention, honour its obligations and implement the national Convention on the Elimination of All Forms of Racial Discrimination while denying it the basic right, granted at the same time to all other States Parties, to participate in the meetings of the States Parties to the said Convention.

In his statement, the representative of Ecuador also said that CERD considered that Yugoslavia was still a State Party to the Convention and, above all else, that it was needed to protect the population in Kosovo which is being discriminated against. He pointed out that CERD asked its Chairman to continue the dialogue with the Government of Yugoslavia in order to obtain its cooperation in continued efforts to seek better conditions in education and health for the population of Kosovo.

In that respect, it should be noted that the Federal Republic of Yugoslavia is a civic State where all its citizens enjoy full equality and protection under the Constitution and laws of the Federal State and its constituent republics, which are in compliance with international instruments in this field. Kosovo and Metohija, as an integral part of the Republic of Serbia and of the Federal Republic of Yugoslavia, as well as its population, are in no way discriminated against.

I would like to reiterate the readiness of the Government of the Federal Republic of Yugoslavia to cooperate fully with treaty bodies in the field of human rights, on the basis of equality and mutual respect.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly under agenda item 93.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.